



THE FLORIDA LEGISLATURE



May 6, 2009

The Honorable Jeff Atwater
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS/CS/SB 1676, 1st Eng., same being:

An act relating to education funding

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

Managers on the part of the Senate

<i>Senator JD Alexander, Chair</i>	<i>Senator Ted Deutch, Vice Chair</i>
<i>Senator Thad Altman, At Large</i>	<i>Senator Dave Aronberg</i>
<i>Senator Carey Baker</i>	<i>Senator Michael S. "Mike" Bennett</i>
<i>Senator Larcenia J. Bullard</i>	<i>Senator Lee Constantine</i>
<i>Senator Victor D. Crist</i>	<i>Senator Charles S. "Charlie" Dean, Sr.</i>
<i>Senator Nancy C. Detert</i>	<i>Senator Alex Diaz de la Portilla</i>
<i>Senator Paula Dockery</i>	<i>Senator Mike Fasano</i>
<i>Senator Don Gaetz</i>	<i>Senator Rudy Garcia</i>
<i>Senator Andy Gardiner</i>	<i>Senator Dan Gelber</i>
<i>Senator Mike Haridopolos, At Large</i>	<i>Senator Anthony C. "Tony" Hill, Sr.</i>
<i>Senator Dennis L. Jones, D.C.</i>	<i>Senator Arthenia L. Joyner</i>
<i>Senator Charlie Justice</i>	<i>Senator James E. "Jim" King, Jr.</i>
<i>Senator Alfred "Al" Lawson, Jr., At Large</i>	<i>Senator Evelyn J. Lynn</i>
<i>Senator Steve Oelrich</i>	<i>Senator Durell Peaden, Jr.</i>
<i>Senator Ken Pruitt</i>	<i>Senator Nan H. Rich</i>
<i>Senator Garrett S. Richter</i>	<i>Senator Jeremy Ring</i>
<i>Senator Gary Siplin</i>	<i>Senator Christopher L. "Chris" Smith</i>
<i>Senator Eleanor Sobel</i>	<i>Senator Ronda Storms</i>
<i>Senator J. Alex Villalobos</i>	<i>Senator Frederica S. Wilson</i>
<i>Senator Stephen R. Wise</i>	

Managers on the part of the House of Representatives

<i>Representative David Rivera, Chair</i>	<i>Representative Marcelo Llorente, Chair</i>
<i>Representative Sandra Adams</i>	<i>Representative Janet H. Adkins</i>
<i>Representative Kevin C. Ambler</i>	<i>Representative Thomas Anderson</i>
<i>Representative Gary Aubuchon</i>	<i>Representative Leonard L. Bembry</i>
<i>Representative Ellyn Setnor Bogdanoff, At Large</i>	<i>Representative Esteban L. Bovo, Jr.</i>
<i>Representative Debbie Boyd</i>	<i>Representative Mary Brandenburg</i>
<i>Representative Oscar Braynon II</i>	<i>Representative Ronald A. Brisé</i>
<i>Representative Dwight M. Bullard</i>	<i>Representative Rachel V. Burgin</i>
<i>Representative Dean Cannon, At Large</i>	<i>Representative Jennifer Carroll</i>
<i>Representative Gwyndolen Clarke-Reed</i>	<i>Representative Marti Coley</i>
<i>Representative Steve Crisafulli</i>	<i>Representative Faye B. Culp</i>
<i>Representative Carl J. Domino</i>	<i>Representative Chris Dorworth</i>
<i>Representative Brad Drake</i>	<i>Representative Eric Eisnaugle</i>
<i>Representative Greg Evers</i>	<i>Representative Adam M. Fetterman</i>
<i>Representative Keith Fitzgerald</i>	<i>Representative Anitere Flores</i>
<i>Representative Clay Ford</i>	<i>Representative Erik Fresen</i>
<i>Representative James C. Frishe</i>	<i>Representative Bill Galvano, At Large</i>
<i>Representative Joseph A. Gibbons</i>	<i>Representative Audrey Gibson</i>

Representative Richard Glorioso

Representative Adam Hasner, At Large

Representative Bill Heller

Representative Ed Homan

Representative Mike Horner

Representative Dorothy L. Hukill

Representative Kurt Kelly

Representative Paige Kreegel

Representative Janet C. Long

Representative Debbie Mayfield

Representative Seth McKeel

Representative Peter Nehr

Representative H. Marlene O'Toole

Representative Jimmy Patronis

Representative Scott Plakon

Representative Ralph Poppell

Representative William L. Proctor

Representative Lake Ray

Representative Betty Reed

Representative Kenneth L. Roberson

Representative Denise Grimsley

Representative D. Alan Hays

Representative Doug Holder

Representative Ed Hooper

Representative Matt Hudson

Representative Mia L. Jones

Representative Martin David Kiar

Representative John Legg

Representative Carlos Lopez-Cantera, At Large

Representative Charles McBurney

Representative Dave Murzin

Representative Bryan Nelson

Representative Mark S. Pafford

Representative Pat Patterson

Representative Juan-Carlos Planas

Representative Stephen L. Precourt

Representative Kevin J. G. Rader

Representative Ron Reagan, At Large

Representative Ronald Renuart

Representative Yolly Roberson

Representative Hazelle P. Rogers

Representative Maria Sachs

Representative Robert C. Schenck

Representative Elaine J. Schwartz

Representative William D. Snyder

Representative Kelli Stargel

Representative Dwayne L. Taylor

Representative Geraldine F. Thompson

Representative Perry E. Thurston, At Large

Representative Baxter G. Troutman

Representative Will W. Weatherford

Representative Alan B. Williams

Representative Juan C. Zapata

Representative Darryl Ervin Rouson

Representative Ron Saunders, At Large

Representative Ron Schultz

Representative Kelly Skidmore, At Large

Representative Darren Soto

Representative Richard L. Steinberg

Representative Priscilla Taylor

Representative Nicholas R. Thompson

Representative John Tobia

Representative Charles E. Van Zant

Representative Michael B. Weinstein

Representative Trudi K. Williams

May 6, 2009

The Conference Committee Amendment for CS/CS/SB 1676, 1st Eng., relating to education funding, provides for the following:

- Establishes the Florida Qualified School Construction Bond Act in order for school districts in Florida to participate in federal bond programs under the American Recovery and Reinvestment Act.
- Adds an additional duty to the Office of Technology and Information Services in the Office of the Commissioner of Education as it relates to assisting school districts in securing Internet access and telecommunications services, including those eligible for funding under the Schools and Libraries Program of the federal Universal Service Fund.
- Authorizes the Commissioner, upon requisition by a school district and other eligible users of the Florida Information Resource Network (FIRN), to purchase the nondiscounted portion of Internet access services and to identify the source of funds from which the commissioner is to make payment.
- Clarifies the distance learning duties of the Department of Education (DOE) to include coordinating FIRN.
- Requires that for the 2009-2010 fiscal year school board member salaries shall be the lesser of the amount calculated pursuant to statutory methodologies or the salary of beginning teachers in the district.
- Clarifies that earned leave and benefits for contract employees, including superintendents, to not be counted in the one-year limitation on state funds for contract settlements.
- Requires funds provided in the GAA for Regional Education Consortia to be prorated among eligible consortia for 2009-2010.
- Provides that elected school district superintendents may reduce their salaries voluntarily and requires that elected superintendent salaries shall be reduced by 2 percent for the 2009-2010 fiscal year.
- Prohibits school districts from entering into contracts for a school district superintendent salary paid from state funds that is in excess of \$225,000 and encourages school districts with appointed superintendents to negotiate 5% reduction to the superintendent's salary for FY 2009-10.
- Clarifies that the Florida Virtual School shall not receive funding through the Florida Education Finance Program (FEFP) for the purpose of meeting class size reduction requirements and provides FLVS .114 bonus FTE for public school students only.
- Modifies the school district virtual instruction program by:

May 6, 2009

- Defining virtual instruction to be that which is provided in an interactive environment created by using technology where the student and teacher are separated by space or time or both.
- Requiring direct instruction by a certified teacher for 80 percent of instruction in grades 6-12 and 50 percent for grades K-5.
- Allowing districts to meet requirement for virtual programs by contracting with the Florida Virtual School, establishing a Florida Virtual School franchise, contracting with other DOE approved providers, multidistrict contractual agreements execution by regional consortia, or through agreements with another district. Neither the multidistrict contract nor agreements between districts have to be between contiguous districts.
- Allowing full-time virtual instruction for K-12 through a school district virtual instruction program with approved providers; allows 9-12 part-time or full-time through a school district virtual instruction program with approved providers for at-risk students only.
- Modifying the accountability requirements for K-8 virtual instruction programs to:
 - Remove the grade requirement for school district aggregate virtual school program.
 - Require DOE to aggregate the student performance data for all students served by a particular provider to provide each K to 8 program provider a statewide grade.
 - Apply sanctions for failure to the provider rather than to the school district program.
- Modifying contract provider qualifications to have Florida-certified teachers, background screenings and requires renewal of DOE approval every 3 years.
- Clarifying the accreditation requirements for virtual instruction programs.
- Clarifying eligibility for funding of virtual instruction programs to allow funding based on course completion for grades 6-8.
- Clarifies situations when a student in a Voluntary PreKindergarten Program (VPK) can withdraw and re-enroll.
- Provides that student attendance in VPK may be reported on a prorata basis as a fraction of a full-time equivalent student.
- Clarifies the number of allowable paid absences in VPK programs.
- Clarifies that a VPK provider may not receive payment for absences that occur before a student's first or after a student's last day of attendance.
- Continues class size compliance at the school level for 2009-2010 and delays implementation at classroom level until 2010-11 school year; revises the compliance

May 6, 2009

calculation beginning in 2010-2011 to be a reduction in the noncompliant district's class size operating categorical for each student that is over the maximum allowed; and requires that the revised compliance calculation be simulated in 2009-2010.

- Revises the establishment of the regional autism center at Florida State University within the College of Medicine.
- Requires that school districts include state allocations for school breakfast programs in the annual breakfast meal rates to offset the costs of school breakfast programs without requiring allocations from the district's operating funds. Requires universal breakfast to be provided only in schools in which 80 percent or more of students qualify for free or reduced-price meals instead of in all schools.
- Requires contiguous districts to have reciprocal agreements for school bus transportation services, inspections and screening requirements for public schools.
- Prohibits state funds appropriated to the Division of Public Schools within the DOE to be used to pay indirect costs to universities, community colleges, school districts or any other entity.
- Defines instructional materials to include electronic media and software and allows flexible use of funds after March 1st, 2010.
- Requires districts to purchase literature and language arts materials for schools in the two lowest categories of performance, unless waived by the Commissioner because the district is using intervention and support strategies to address the schools' deficiencies.
- Provides an alternative to CLAST, by repealing CLAST and the examination fee, and authorizes an alternative testing and remediation requirements to be established by the State Board of Education in conjunction with the Board of Governors. Continues special examination process for students with disabilities.
- Authorizes the Commissioner of Education to employ FIRN to perform certain functions relating to workforce education.
- Restricts school districts from using public funds for out-of-state travel, cell phones or other electronic communication devices without the specific approval of the school board, and provides that art, music, and similar programs for students have a higher funding priority than payment for employee travel and communication devices.
- Authorizes "payments" as appropriate types of electronic transactions and provides documentation requirements for electronic payments.
- Provides flexibility for the number of days or the hourly equivalent of school operations for minimum requirements for participation in the FEFP.
- Clarifies definitions for full-time equivalent membership reporting for the FEFP.

May 6, 2009

- Provides that students enrolled in study shall not be reported for funding in the FEFP calculation; provides flexible use of categorical funds; and includes FEFP categorical funds in total funds for operations.
- Provides for restoration of revenue from prior year unrealized local effort by requiring a prior period funding millage adjustment to be certified at the time of the second calculation of the FEFP.
- Requires class size reduction funds to be included in the 80% calculation of funds provided to schools within a district.
- Reduces the authorized capital improvement millage levy from 1.75 to 1.5 mills.
- Waives the three-fourths limit on use of proceeds from the capital improvement millage levy for lease-purchase agreements entered into before June 30, 2009 for the 2009-2010 fiscal year.
- Removes June 30, 2010 time limit in which school districts may pay property and casualty insurance premiums and purchase or lease driver's education and maintenance vehicles from the revenue generated by the discretionary capital improvement millage and retains the \$100 cap on expenditures for property and casualty insurance premiums and motor vehicles.
- Authorizes the Commissioner of Education to waive penalties associated with the audit citations for districts using capital funds for purchases of software in the 2007-2008 fiscal year.
- Authorizes school districts to levy 0.25 mills for capital improvement needs in lieu of an equivalent amount of the discretionary mills for operations as provided in the General Appropriations Act.
- Authorizes district school boards, by a super majority vote, to levy an optional 0.25 mill for critical capital outlay needs or for critical operating needs. If used for operations, districts in which 0.25 mills generate less than the state average are to be provided the difference in state funds allocated through the FEFP. In order to continue this levy it must be approved by the voters of the district in the next general election.
- Allows districts to establish the total annual number of required days of service for employees.
- Contracts for principals, other school site administrators, and instructional personnel may not require more than 10 calendar months of service unless specifically approved by the district school board.
- Provides that non-recurring federal stabilization funds should not be used for new teacher professional service contracts.

May 6, 2009

- Removes the requirement that for purposes of pay, districts must recognize out-of-state years of service and provides that an employee may voluntarily waive this requirement for in-state service.
- Removes the \$100 cap on teacher certification exam fees, which will allow the State Board of Education to establish the fees at a level sufficient to offset the cost of test development and administration.
- Authorizes the DOE to establish a pilot program to manage the Florida Teachers Lead Program through a centralized electronic system.
- Changes criteria for charter schools to be eligible to receive PECO for capital outlay to require the governing board to have been established in the state for 3 or more years and allows charter schools to use PECO funds to purchase software and motor vehicles and pay property & casualty insurance premiums.
- Modifies the capital millage levy requirements for school districts currently participating in the Special Facility Construction Account.
- Adopts a building code revision for 2009-2010 to waive the “Green” requirements for school facility construction for one year and clarifies that districts are only required to build to current state and education building codes.
- Incorporates the FEFP by reference.